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PATENT

Docket No.: 4393-002
NOV 13 2001
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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

F. John HERRINGTON

Serial No. 09/626,886

Filed: July 27,2000

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: Group Art Unit: 3653
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: Examiner: Jillions, John M.
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For: RIBBED CORE DUAL WALL STRUCTURES

RESPONSE

Honorable Assistant Commissioner
for Patents
Washington, D. C. 20231

Sir:

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This paper is being filed in response to the office action dated September 27, 2001. There is being filed herewith a petition to extend the time for responding to the outstanding action for one (1) month making the response date November 27, 2001. The action requires restriction of the claims of this application to one of three groups, as characterized by the examiner:

- I. claims drawn to a composite tube;
- II. claims drawn to a helically shaped article; and
- III. claims directed to the method of making an elongated tube.

This requirement is respectfully traversed. The examiner has sought to justify his requirement on the basis of his allegation that there is no technical relationship between each of the three identified groups of claims. It is submitted that the examiner is in error in making this allegation.

Claims 1-3 and 5-15 (claim 4 has been canceled) are all directed to an elongated tube comprising an inner and an outer wall with ribs disposed between the walls. Claims 16-19 are directed to a preferred embodiment of the subject matter of claims 1-3 and 5-15, that is a helical article comprising inner and outer walls and helically shaped ribs there between. Claims 20-24 are directed to a method of making the articles claimed in claims 1-3 and 5-19. There is a strong community of interest between all of the claims of this application in that they are directed to an article and a method of making that article. The claimed article is the direct result of carrying out the claimed method. Carrying out the claimed method results in the claimed article. While it may theoretically be possible to make the claimed article by some technique other than the one claimed, such different method has not revealed itself to the inventor.

It is urged that the examiner reconsider his requirement for restriction and withdraw the same. In accordance with the applicable practice, applicant provisionally elects the subject matter of claims 1-3 and 5-15 for immediate prosecution. Applicant reserves the right to file at least one suitable division application in due course if needed.

It is believed that the extension of time petitioned for herewith is sufficient to maintain the pendency of this application. If it is not, kindly consider this to be a petition for whatever period of time is required to maintain pendency. It is believed that the fee filed herewith is correct and sufficient. Should the filed fee be incorrect, kindly debit or credit the correct amount to the undersigned attorneys' deposit account 07-1337.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink, appearing to read "Michael G. Gilman", is written over the printed name.

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November 5, 2001